

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Examine the  
Commission's Future Energy Efficiency Policies,  
Administration and Programs.

Rulemaking 01-08-028  
(Filed August 23, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING REGARDING  
EVALUATION, MEASUREMENT AND VERIFICATION OF  
LOCAL ENERGY EFFICIENCY PROGRAMS**

**Summary**

In Decision (D.) 02-05-046, the Commission delegated to me the authority to issue a Ruling related to the selection of Evaluation, Measurement and Verification (EM&V) Contractors to review 2002-03 third party local energy efficiency programs. This is that ruling.

**Development of EM&V Contractor List**

D.02-05-046 provides the following with regard to local program EM&V:

We require that independent third parties not affiliated with the program provider evaluate local programs and measure and verify local programs' claimed energy savings and measures installations. Parties shall report their plans in this regard in their Program Implementation Plans.

The Commission through the assigned ALJ will select entities that can provide EM&V services for local programs. The ALJ will clarify the process for selection of these EM&V contractors for local programs in a future ruling.<sup>1</sup>

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<sup>1</sup> D.02-05-046, *mimeo.*, at 34.

In order to ensure that local energy efficiency programs are reviewed by EM&V contractors that are truly independent, each recipient of local program funding for 2002-03 shall file and serve the following information no later than 15 days after this Ruling's mailing:

- A list of two or three potential EM&V contractors (Contractor) the local funding recipient (Recipient) recommends for its program, with explanation of why the Recipient would opt for the Contractor;
- An explanation of why the Contractor is independent of Recipient;
- A list of all work the Contractor has done with or for the Recipient;
- An explanation of any factor that might lead a reasonable person to question whether the Contractor is actually independent of the Recipient;
- A description of any reason why the Commission might not select the Contractor (*e.g.*, Contractor's outstanding state tax liens, present or former bankruptcy, pending civil or criminal litigation or other proceedings, license suspensions or other similar actions, or criminal convictions).

Once the Recipients submit the foregoing materials, any party may comment on the appropriateness of any suggested Contractor. The comments shall be served on the email service list and filed in the Commission's docket office no later than 22 days following this Ruling's mailing.

In addition, I ask any potential EM&V Contractor interested in providing EM&V services for any local energy efficiency program the Commission funded for 2002-03 to submit its qualifications for consideration within 15 days of this Ruling's mailing. Such Contractors shall furnish responses to all of the following bulleted items, and also provide a statement of qualifications, describe the Contractor's areas of expertise, identify any potential conflict of interest

(including being a 2002-03 local program provider), and furnish a firm resume and resumes for all persons who will supervise work on an EM&V project.

- Identification of the Recipient(s) and local energy efficiency programs for which the Contractor proposes to perform EM&V services;
- An explanation of why the Contractor is independent of Recipient;
- A list of all work the Contractor has done with or for the Recipient;
- An explanation of any factor that might lead a reasonable person to question whether the Contractor is actually independent of the Recipient;
- A description of any reason why the Commission might not select the Contractor (*e.g.*, Contractor's outstanding state tax liens, present or former bankruptcy, pending civil or criminal litigation or other proceedings, license suspensions or other similar actions, or criminal convictions).

Within 22 days of this Ruling's mailing, any party may comment on a Contractor's submission.

Once I receive the foregoing information and comments, I will consult with the Energy Division to develop the list of EM&V Contractors to review each 2002-03 local program. Just because a Recipient has already identified a Contractor does not mean that that Contractor will be selected, if there is evidence that the Contractor and Recipient are not independent of one another.

**IT IS ORDERED** that:

1. Within 15 days of this Ruling's mailing, all local energy efficiency funding Recipients shall file and serve the foregoing required information.

2. Any potential EM&V Contractor interested in providing EM&V services for local energy efficiency programs the Commission funded for 2002-03 may file and serve the foregoing required information.

3. Within 22 days of this Ruling's mailing, parties may file and serve comments on the information filed pursuant to ordering paragraphs 1 and 2.

4. "File" means that the document is received by the Commission's Docket Office on or before the due date. "Serve" means that the document is e-mailed to the e-mail service list for this proceeding on or before the due date, and, in addition, mailed in hard copy to the assigned Administrative Law Judge. For questions on how to obtain the service list, the format to use for filing, and other procedural matters, contact the Commission's Public Advisor at (415) 703-2074.

Dated June 17, 2002, at San Francisco, California.

/s/ SARAH R. THOMAS

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Sarah R. Thomas  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Evaluation, Measurement and Verification of Local Energy Efficiency Programs on all parties of record in this proceeding or their attorneys of record.

Dated June 17, 2002, at San Francisco, California.

/s/ KRIS KELLER

Kris Keller

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.